

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE OMNIVISION TECHNOLOGIES,
INC.,

No. C-04-2297 SC (JCS)

**NOTICE OF REFERENCE AND DATE
AND TIME OF HEARING; ORDER
RE DISCOVERY PROCEDURES**

TO ALL PARTIES AND COUNSEL OF RECORD:

This matter has been referred to Magistrate Judge Joseph C. Spero for resolution of Defendants' Motion to Compel [Docket No. 160] and all future discovery disputes.

The hearing on Defendants' Motion has been set for **June 2, 2006, at 9:30 a.m.**, in Courtroom A, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102. The opposition(s), if not already filed, shall be filed and served no later than twenty-one (21) days prior to the hearing. Any reply to the opposition(s) shall be filed and served no later than fourteen (14) days prior to the hearing. All documents shall be filed with the Clerk's Office in compliance with Civil Local Rules 7-2 through 7-5. Documents not filed in compliance with those rules will not be considered by the Court.

In addition, it appears that counsel have not made adequate efforts resolve this matter without the need for Court intervention. Accordingly, IT IS HEREBY ORDERED that not later than five (5) business days from the date of this Order, lead trial counsel for Plaintiffs and lead trial counsel for Defendants shall meet and confer **in person** regarding the subject matter of the Motion in an effort to resolve the matter. Within five (5) business days of the lead trial counsels' meet-and-confer session, the parties shall provide a detailed Joint Letter to the Court. This Joint Letter shall include a description of every issue in dispute and, with respect to each such issue, a detailed summary of each party's final substantive position and its final proposed compromise on each issue.

Any party seeking an award of attorney's fees or other expenses in connection with this motion shall file a motion in accordance with Civil Local Rule 37-1(e).

LAW AND MOTION HEARING PROCEDURES

Civil law and motion is heard on Friday mornings, at 9:30 a.m., in Courtroom A, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California 94102.

Motions to compel may be noticed without reserving a hearing date, subject to the Court's availability.

Discovery motions may be addressed to the Court in two ways. In emergencies during discovery events, the Court is available pursuant to Civil L. R. 37-1(b). In non-emergencies, the parties shall do the following:

- 1) In the event that any party believes that there is a legitimate discovery dispute at which meet-and-confer efforts have failed (whether by telephone, letter, or meeting of counsel other than lead trial counsel), that party shall request an in-person meet-and-confer session attended by lead trial counsel for each side. Upon request, such a meeting shall occur within ten (10) business days.
- 2) The location of the meet-and-confer sessions shall alternate. The location of the first meet-and-confer session, as set forth above, will be chosen by counsel for the party seeking discovery. If new discovery disputes arise and another meet-and-confer session of lead trial counsel is requested, the location of the meet-and-confer sessions will alternate. Within five (5) business days of the lead trial counsels' meet-and-confer session, the parties will provide a detailed Joint Letter to the Court that will include a description of every issue in dispute, and with respect to each such issue, a detailed summary of each party's final substantive position and their final proposed compromise on each issue. The Court will then determine what, if any, additional briefing and/or hearings are necessary.

A party or counsel has a continuing duty to supplement the initial disclosure when required under Federal Rule of Civil Procedure 26(e)(1).

1 Law and motion matters may be submitted without argument upon stipulation of the parties
2 and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil
3 L. R. 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7) days of
4 the date for service of the opposition. Thereafter, leave of the Court must be sought.

5 **ELECTRONIC FILING AND COURTESY COPIES**

6 Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of
7 California for information relating to electronic filing procedures and requirements. All documents
8 shall be filed in compliance with the Civil Local Rules. Documents not filed in compliance with
9 those rules will not be considered by the Court.

10 BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC
11 FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE
12 **PAPER** COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS'
13 COPY." All filings of documents relating to motions referred to Magistrate Judge Spero shall list
14 the civil case number and the district court judge's initials followed by the designation "(JCS)".

15 **The failure of counsel or a party to abide by this Order may result in sanctions**
16 **pursuant to Federal Rule of Civil Procedure 16(f).**

17 IT IS SO ORDERED.

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19 Dated: May 3, 2006

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21 JOSEPH C. SPERO
22 United States Magistrate Judge
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